IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5704 OF 2005

Sunny Sirial Cocks ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr.P.R.Arjunwadkar for the Applicant
Mr.A.S.Gadkari,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 6,2005

P.C.:

1. Heard Advocate for the Applicant and the learned A.P.P. for State. The offence alleged against the Applicant is against under Sections 489-B and 489-C of the Indian Penal Code. An offence has been registered against the applicant on the basis of complaint filed by a Sub Inspector of Police. The F.I.R. is registered on 23rd January 2005. On 21st January 2005 the Applicant himself appeared in the same police station and lodged a complaint about handing over of fake currency notes by one Mukund Rathi and one Vikas Kadlag. The F.I.R. records that on the same day, he handed over 32 fake currency notes of Rs.100/- denomination at the police station. On the basis of said F.I.R., an offence was registered against the said Mukund and Vikas under sections 489-B and 489-C read with Section 34 of the I.P.C. Both of them have been enlarged on bail under the orders of the Sessions Court.

2. The present F.I.R. has been lodged against the Applicant on the basis of the same 32 fake currency notes of Rs.100 denomination which were voluntarily produced by the Applicant

in the Police station on 21st January 2005.

3. The material against the Applicant is in the form of statements of four witnesses. The said witnesses have disclosed that the Applicant was having 32 fake currency notes and this was disclosed when the said four persons were playing a card game with the applicant. At this stage, it is not dispute that the said currency notes were voluntarily produced by the Applicant before the police station on 21st January 2005.

3. Apart from the said currency notes, there is no recovery made at the instance of the Applicant. The Applicant is in custody from 23rd January 2005. The learned A.P.P. pointed out that there are 10 offences registered against the applicant and there were two chapter proceedings under section 110 of the Code of Criminal Procedure, 1973. Except two cases registered in the year 1999 and 2001 all other cases are between the period from 1977 to 1996. The cases registered in the year 1999 and 2001 are of minor offences. Therefore, the said criminal antecedents is no ground to refuse the bail to the Applicant. In view of the admitted position that the Applicant himself surrendered 32 fake notes in question at the police station and there is no further recovery made at the instance of the Applicant though the Applicant is in custody from 23rd January 2005, a case is made out enlarging the Applicant on bail.

4. Hence I pass the following order :

i) The Applicant shall be enlarged on bail in connection with C.R.No.I-25 of 2005 registered with Ambad Police Station, Nashik subject to furnishing a personal bond of Rs.50,000/- (Rupees fifty thousand only) with one or two local sureties in the like amount.

ii) Bail is granted subject to the condition that the Applicant shall report to the concerned Police station on every Sunday till the conclusion of trial.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iv) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in above terms.

vii) Parties to act upon an authenticated copy of this order.

JUDGE